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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,040	02/08/2002	Dorothy Mae Lottie	19603/3810 (CRF D-2693)	3785
7590	02/09/2004		EXAMINER	
Frances E. McKenzie P.O. Box 3002 Lake Wood, CA 90711			CHIN, RANDALL E	
			ART UNIT	PAPER NUMBER

1744

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/072,040

Applicant(s)

LOTTIE ET AL.

Examiner

Randall Chin

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED January 2, 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attached.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: 2 and 3.

Claim(s) rejected: 1 and 4.

Claim(s) withdrawn from consideration: none.

8. ☒ The drawing correction filed on 02 January 2004 is a) ☐ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_



Randall Chin  
Primary Examiner  
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1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

2. If Applicant sends in any future correspondence, it is respectfully requested that Applicant not mail back any part of the Examiner's Office Action to avoid redundant papers in the file system.

### ***Drawings***

3. The Examiner notes Applicant's desire to cancel/delete Figs. 1-4 and replace them with the engineering drawings (on graph paper), however, there still remains numerous objections to these engineering drawings. For example, they contain **new matter** not originally filed with the originally filed application of February 8, 2002. The **new matter** is in Fig. 1 referring to the misdrawn 0.5" depth of the round base and the 1

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13/16" dimension. **New matter** also appears in Fig. 4 (top view) referring to the 1 13/16" dimension. **New matter** also appears in Fig. 5 (top view) referring to the 1 7/8"R dimension and 1/16" thick dimension (side view). **All the new matter must be deleted.**

The drawings are further objected to because Figures 4, 5 and 6 each include two (2) separate drawing figures and each figure needs to be labeled appropriately and consistently with the specification. Changes also need to be made to the "Brief Description of the Several View of the Drawing" section.

Furthermore, the drawings and specification need reference numerals that label each and every part of the invention (e.g., handle, round base, hook and loop material, etc.). See C.F.R. Rule 1.74 below:

**§ 1.74 Reference to drawings.**

When there are drawings, there shall be a brief description of the several views of the drawings and the detailed description of the invention shall refer to the different views by specifying the numbers of the figures and to the different parts by use of reference letters or numerals (preferably the latter).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. It is unclear what the "Appendix" is as set forth in the "Brief Description of the Several View of the Drawing" section.

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5. Claim 1, line 3, "a round base" should be positively recited. Line 3, what exactly is a "lower piece"? The recitation "(FIG. 3)" should be deleted. Line 5, the term "Phillip" should be deleted. Line 7, what dimension is 3" referring to?

Claim 1 absent a "sponge" is not technically a device for applying treatment.

Claim 2, line 2, the recitation "3" round" should be clarified. Applicant appears to be claiming "diameter" here. Claim 2 should incorporate the "one of hook and loop material" for clarity and consistency.

#### ***Allowable Subject Matter***

6. Claim 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Robert Warden, can be reached at (571) 272-1281. The number for Technology Center 1700 is (571) 272-1700.

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The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.



R. Chin



Randall Chin  
Primary Examiner  
Art Unit 1744